

REMARKSHISTORY

In the Office Action of December 30, 2002, claims 1 – 22 were allowed and claims 23 – 44 were rejected.

In applicants' amendment filed September 21, 2004, claims 1-44 were pending, claims 37 – 39 and 42 were canceled, and claims 45 – 81 were added. Additionally, applicants advanced arguments regarding the patentability of all of the claims.

OFFICE ACTION DATED MARCH 10, 2005

The examiner is thanked for the courtesy extended to the undersigned attorney during the telephone interview July 6, 2005. It is believed that this amendment is in compliance with the examiner's requirements, except for the "broadening" issue discussed below.

In the office action dated March 10, 2005, the examiner indicated that the response filed on September 21, 2004, was not fully responsive because new claims 23 – 36, 40 – 41, and 43 – 44 were in improper format.

It is believed that the amendment format for claims 23 – 36, 40 – 41, and 43 – 44 set forth herein is now proper and in accordance with 37 C.F.R. §1.173.

It is noted that during the prosecution of this application, new claims 28, 32, and 34 – 36 were added and subsequently amended.

Claims 37 – 39, and 42 have been canceled.

All of the claims are set forth above for the convenience of the examiner.

In the office action dated March 10, 2005, the examiner also suggested that applicants should provide a supplemental declaration because of the substantive amendments, as required by 37 C.F.R. 1.111.

Submitted herewith is a supplemental declaration for reissue application signed by three of the four coinventors. As previously indicated, coinventor, Eric J. Lekven, has become unavailable, and cannot be found or reached. Also accompanying this amendment is a petition under 35 U.S.C. §118 and 37 C.F.R. §1.47 requesting that the remaining coinventors be allowed to sign documents on behalf of coinventor, Eric J. Lekven.

During the telephone interview with the examiner on July 6, 2005, the examiner questioned whether broadened claims could be presented more two years after the issue

date of the patent being reissued in a reissue application filed less than two years after that issue date. The examiner's attention is directed to MPEP §1412.03, (WHEN A BROADENED CLAIM CAN BE PRESENTED) which provides:

"A broadened claim can be presented within two years from the grant of the original patent in a reissue application. In addition, a broadened claim can be presented *after* two years from the grant of the original patent in a broadening reissue which was filed *within* two years from the grant.

Thus, it is proper to present broadened claims more than two years after the issue date of the patent being reissued in a reissue application filed less than two years after that issue date. The claims presented in this case, therefore, are proper.

CONCLUSION

It is believed that a full and complete reply has been made to the outstanding office action and that this application is in condition for allowance. If the examiner believes that personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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